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19 THOMAS RAY WOODSON

20 UNITED STATES DISTRICT COURT

21 NORTHERN DISTRICT OF CALIFORNIA

22 OAKLAND DIVISION

23 THOMAS RAY WOODSON,

24 Plaintiff,

25 v.

26 J. RODRIGUEZ, *et al.*,

27 Defendants.

Case No. 4:07-CV-04925-CW

**STIPULATION AND [PROPOSED]
ORDER EXTENDING DISCOVERY
CUT-OFF FOR DEPOSITIONS AND
EXPERT WITNESSES**

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2 Pursuant to Northern District Local Rules 7-12 and 16-2, counsel for Plaintiff Thomas R.
3 Woodson and counsel for Defendants J. Rodriguez, E. Camarena, J. Parra, D. Vega, and
4 Sergeant Kircher hereby submit this Stipulation and Proposed Order to extend the fact discovery
5 cut-off for the purpose of taking the depositions of Defendant Sergeant Kircher, Inmate Victor
6 Roldan, and the FRCP 30(b)(6) deposition of Salinas Valley State Prison, and to extend the
7 deadlines for the expert reports, expert rebuttal reports, and the expert discovery cut-off.

8 The Parties previously agreed to extend the case management dates, as set forth in the
9 stipulated order adopted by this Court on December 21, 2010 (Dkt. 100).

10 On December 20, 2010, Plaintiff filed a motion to compel outstanding discovery and to
11 further extend the discovery deadlines to accommodate depositions that Plaintiff contends were
12 dependent on the outstanding discovery (Dkt. 95-97).

13 The Court referred the December 20 motion to Magistrate Judge Beeler, who denied
14 Plaintiff's motion without prejudice and directed the parties to follow her standing order
15 regarding discovery disputes (Dkt. 103).

16 After meeting and conferring on January 6, 2011 regarding the discovery issues raised in
17 the motion, Plaintiff has determined that another limited extension of the discovery cut-off is
18 necessary awaiting production of relevant documents and in light of scheduling conflicts.
19 Defendants disagree that there are any outstanding documents that warrant further delay of
20 discovery, but do not oppose a limited extension.

21 Counsel for Plaintiff is attempting to schedule the deposition of Inmate Victor Roldan
22 with the institution where he is housed.

23 The Parties are also coordinating with the law firm of McNamara, Ney, Beatty, Slattery,
24 Borges & Brothers LLP, counsel for the California Department of Corrections and Rehabilitation
25 ("CDCR"), to schedule the 30(b)(6) deposition of Salinas Valley State Prison.

26 Furthermore, Plaintiff avers that the expert witnesses Plaintiff retains will not be able to
27 complete the expert report by the current deadline without production of outstanding discovery by
28 counsel for Defendants. Defendants do not agree that there are any outstanding document

requests that should affect the expert discovery deadline, but have no objection to a limited extension of expert discovery.

IT IS HEREBY STIPULATED AND AGREED by the Parties, by and through their respective counsel, that:

1. The fact discovery cut-off shall be extended from January 14, 2011, to January 26, 2011, for the sole purpose of taking the depositions of Sergeant Kircher, Inmate Victor Roldan, and the 30(b)(6) deposition of Salinas Valley State Prison.

2. The case management dates related to expert witnesses are to be reset as follows:

Event	Current Deadline	Stipulated Deadline
Expert disclosures (names)	1/14/11	Same
Expert reports	1/14/11	1/28/11
Expert rebuttal reports	2/1/11	2/15/11
Expert discovery cut-off	2/18/11	3/4/11

3. None of the other case management dates are altered by this stipulation.

4. If Inmate Roldan's deposition is not completed within the applicable deadline, the parties stipulate that his testimony will not be offered at trial, either live or by declaration. This stipulation does not impact the ability of the parties to seek admission of testimony (live or by declaration) from Inmate Flores or any other witnesses.

5. If Plaintiff designates an expert witness to testify regarding Plaintiff's alleged psychological distress or psychological problems (apart from physical pain and suffering) purportedly caused by the incident at issue in this case, Defendants shall have an opportunity to conduct a Rule 35 mental examination of Plaintiff.

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3 Dated: January 13, 2011
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Respectfully Submitted,

MATTHEW I. KREEGER
DANIEL P. MUINO
J. MANENA BISHOP
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JOE K. KANADA
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7 By: /s/Daniel P. Muino
8 DANIEL P. MUINO

9 Attorneys for Plaintiff
10 THOMAS RAY WOODSON

11 Dated: January 13, 2011

12 JOSE A. ZELIDON-ZEPEDA
13 NEAH HUYNH
14 CALIFORNIA ATTORNEY GENERAL'S
15 OFFICE

16 By: /s/Jose A. Zelidon-Zepeda
17 JOSE A. ZELIDON-ZEPEDA

18 Attorneys for Defendants
19 J. RODRIGUEZ, E. CAMARENA, J.
20 PARRA, D. VEGA, AND SERGEANT
21 KIRCHER

22 I, Daniel P. Muino, am the ECF User whose ID and password are being used to file this
23 Stipulation and [Proposed] Order Extending Discovery Cut-off for Depositions and Expert
24 Witnesses. In compliance with General Order 45, X.B., I hereby attest that Jose A. Zelidon-
25 Zepeda has concurred in this filing.
26
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PURSUANT TO THE PARTIES' STIPULATION, IT IS SO ORDERED.

23 Dated: 1/14/2011


HONORABLE CLAUDIA WILKEN
United States District Court Judge